

REMARKS

Claims 1-7, 10-17, 20-27, 30 and 40-76 are pending in the instant application.

With regard to paragraph 6 of the official action, the Examiner has rejected claims 1, 11 and 40 under 35 USC § 112 second paragraph for being indefinite for reasons set forth therein. By this amendment Applicant has amended the claims to more clearly set forth the present invention. The invention, as currently set forth in these independent claims, clearly provides and sets forth the transmission of a low resolution digital image file and associated metadata from a first location to a server at a second location. The claims also set forth that the server includes a software for manipulating and/or ordering goods or services. The claims further state that the user uses the software at the server at the remote location with respect to said low resolution digital image file and that the service provider provides feedback to the user based on the metadata and/or user using said software with respect to the low resolution digital image file. There after the user transmits the high resolution digital file from the first location to the service provider at the second location. Thus it is believed clear how and when the high resolution image files are transmitted after using of the software. With regard to the objection of claims 21 and 50 of insufficient antecedent basis, claims 21 and 50 have been amended to clearly set forth that the server is provided with software for allowing manipulation of digital images. Accordingly, it is respectfully submitted that the rejection under 35 USC § 112 is no longer applicable.

The Examiner has also rejected claims 1-7, 11-17, 21-27, 40-76 under 35 USC § 103(a) as being unpatentable over Hoekstra (US 6,304,277) as previously set forth in the previous official action, and claims 10, 20 and 30 under 35 USC § 103(a) over Hoekstra in view of Hopkins (US 6,282,462) for the same reasons set forth in the previous official action.

Applicant respectfully submit that the Hoekstra reference does not teach or suggest the invention as set forth by Applicant.

The Hoekstra reference is directed to the modification of digital images wherein a high resolution digital image is obtained at a first location. However, the high resolution image is never forwarded to any other location but

instead a low resolution proxy is made and forwarded to a remote location wherein corrections are made to the image at the remote location and the script for corrections are then returned to the original site where it is then applied to the high resolution image.

The present invention is directed to a situation where the high resolution images are sent to a third party fulfiller for fulfillment in use for fulfilling of goods and/or services. Thus, there is always the requirement of forwarding the high resolution image. This is in direct contradiction to the Hoekstra reference where the high resolution image is never sent to a remote location for fulfillment. In the present invention the service provider utilizes the high resolution image for fulfillment of the goods and/or services that have been ordered by the customer. This can not and does not happen in the Hoekstra reference. The correction is implemented by the original image provider, there is no teaching or suggestion of fulfillment by a remote service provider as taught and claimed by Applicant. Therefore, Hoekstra, on this basis alone, does not teach or suggest the invention as currently set forth.

Further, Hoekstra does not teach or suggest the providing of metadata as taught and claimed by Applicant. While Hoekstra does teach the forwarding of instructions, that is, information relating to what is to be done to the image, there is no teaching or suggestion the providing of metadata as taught and claimed by Applicant. The information sent in relates to what is to be done to the image. There is no teaching or suggestion of providing metadata (information) with respect to the actual high resolution image. Metadata, in the present invention, provides information to the service provider that can be used in determining whether or not the requested change is appropriate, thus being able to provide feedback. As set forth in column 5, lines 15-19 of Hoekstra, there is provided a job ticket that provides a specialist with the corrections and/or image conditions desired on the part of the image generator. See also column 5, lines 40-42 where there is discussed the image correction site to instruct the image correction specialist of any changes or modifications requested by the image generator. This is in contrast to the metadata in the present invention which provides information regarding the high resolution image. As set forth at page 6, lines 7-17 and page 7, lines 4-18 of the present application, metadata provides information that allows a service provider to determine whether or not appropriate

corrections can be made to the high resolution of the image, for example, the size of the high resolution image or the fact that the high resolution image is copyrighted. Thus, the metadata is separate and apart from the low resolution image that is forwarded to the service provider. For example, the size of the high resolution image or the fact that the high resolution image is copyrighted. There is no teaching or suggestion in Hoekstra that provides information that allows a service provider to determine whether or not appropriate corrections can be made to the high resolution of the image. The metadata is separate and apart from the low resolution image that is forwarded to the service provider. There is no teaching or suggestion in Hoekstra of providing any metadata other than the ordering or requesting of a particular type of service to be performed on the images.

An important part of the present invention is not transferring the high resolution image to the service provider until the user has been satisfied that the appropriate desired image can be obtained. For this purpose the service provider provides feedback to the user based on the metadata and/or user using the software. There is no teaching or suggestion in Hoekstra of providing feedback. Quite the contrary, all that is provided back to the originator is the entire completed script that is used to be incorporated with the high resolution image.

Thus, the Hoekstra reference fails on many points to teach or suggest the present invention. First, as previously noted, it does not:

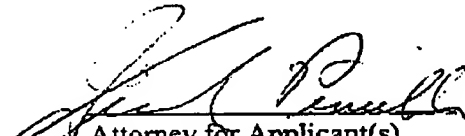
- 1) allow a user to use software remotely at a service provider;
- 2) forward metadata with regard to the high resolution image with regard to the high resolution image that is stored at the user;
- 3) nor does it teach or suggest the transmitting of the high resolution digital image file to the service provider for use in fulfillment of the goods and/or services.

While patentability can be based on the emission of just one of the foregoing elements, the Hoekstra reference fails to teach three very important elements of the claimed invention. There is no teaching or suggestion to make the modification as taught and claimed by Applicant. Quite the contrary, as previously discussed, Hoekstra teaches away from transmitting the high resolution image to the fulfillment provider. It also does not teach or suggest the providing

of metadata nor the providing for allowing the using of the software at the service provider by the user at the remote location. Accordingly, in view of the foregoing, Applicant respectfully submits that the independent claims are not taught or suggested by the prior art. The Hopkins reference that is applied to dependent claims 10, 20 and 30 does not teach or suggest anything that would render the independent claims obvious. Accordingly, Hopkins does not teach or suggest anything that would render the independent claims obvious.

In view of the foregoing Applicant respectfully submits that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.